IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 3197 of 2005
With
FIRST APPEAL No. 3198 of 2005
To
FIRST APPEAL No. 3208 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SPECIALLAQOFFICER & 1 - Appellant(s)

Versus

THAKOREBHAIMANIBHAIPATEL & 1 - Defendant(s)

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Appearance :
MR AD OZA GOVERNMENT PLEADER for Appellant(s) : 1 – 2.
MR TRILOK J PATEL for Respondent No.1,
None for Defendant(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 07/10/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. Admit. Mr. Trilok J. Patel waives service of process of admission on behalf of the respondent-claimant. As the opponent no.2 is impleaded as formal party to complete the cause title, no notice of process of admission is required to be issued to him. With the consent of the parties, the matters are finally disposed of. This judgment shall dispose of the above-referred appeals which arise out of the land acquisition proceedings of village Tarava.
2. It is not in dispute before us that while awarding Rs. 21.50 ps., per sq.mt., as compensation, the learned Reference Court has relied upon the award made in the matter of village Kothav. It is also not in dispute before us that the award made on the land of Kothav village was challenged before this Court in First Appeal Nos. 2226, 2236, 2260, 2270, 2237 and 2249 of 2005. A Division Bench of this Court by its judgment dated 11.8.05, after admitting the appeals and on going through the records observed that the said appeals deserve to be allowed and compensation was required to be reduced from Rs. 21.50 to Rs. 15.00 per sq.mt., only.
3. Mr. Oza, learned Government Pleader for the appellant submits that as the court below had relied upon the award made in relation to Kothav land and during pendency of the proceedings, compensation amount has been reduced, the said reduced amount now deserves to be allowed in favour of the respondents/claimants.
4. Mr. Trilok J. Patel, learned counsel for the respondents, after going through the records, specially the finding recorded by the court below that the appellants were entitled to compensation at the same rate at which the compensation was paid for Kothav land, submitted that the award made by the High Court in relation to Kothav land may be observed in these matters also.
5. The appeals are partly allowed. The compensation awarded at the rate of Rs. 21.50 is reduced to Rs. 15.00 per sq.mt. Rest of the

impugned judgment and award passed by the Reference Court is maintained. Let necessary decree be framed in each of the appeal.

6. It is expected of the appellant that if they have not made payment till date, then, without unnecessary delay, they shall make payment, because, notification under Section 4 of the Land Acquisition Act was issued on 12.12.90 and the matter is pending at different levels for almost about 16 years.

[R.S. GARG, J.]

[K.M. MEHTA, J.]

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